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SUBJECT: SPAIN'S RESPONSE TO DEMARCHE ON THE UN DECLARATION  
ON THE RIGHTS OF INDIGENOUS PEOPLES (DRIP)

REF: SECSTATE 78740

¶1. (U) Poloff accompanied poloffs from the Australian and New Zealand Embassies to deliver reftel demarche to Fernando Fernandez-Arias, MFA Deputy Director General for Human Rights. Fernandez-Arias said that Spain understood the tripartite position and acknowledged the concerns expressed in reftel. Nonetheless, he said, Spain had worked closely with Finland over the past two years to improve the draft declaration text that had been negotiated with input from all interested parties over an extremely long negotiation process. The passage of the Declaration on the Rights of Indigenous Peoples is therefore a priority for Spain, which feels it will be an important first accomplishment for the fledgling Human Rights Council. He claimed that support for the DRIP was a common EU policy, arrived at through (hesitant) consensus.

¶2. (SBU) Fernandez-Arias repeatedly pointed out that the Declaration will not be a binding text, and said that it was designed to be adaptable to different legal and constitutional systems. He argued that the latest text proposal does safeguard territorial integrity and that individual rights are protected above collective ones. Though he admitted that the passage of the Declaration could pave the way for the negotiation of a binding Convention, he thought this would not come about for many years. Passing the Declaration now would give breathing room for political forces to play themselves out, particularly in Latin America. He said that Spain believed that opening the text up would bring about calls from certain countries (he mentioned Bolivia in particular) for the inclusion of even more rights and entitlements for indigenous peoples, resulting in a more hard-line text which certainly could not be supported by the EU, US, Australia or New Zealand.  
MANZANARES